

PA10-178

HB5527

House	2148-2153	6
Judiciary	3714-3717, 3819	5
Senate	4113, 4125-4127	4
		15

H – 1079

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VOL.53
PART 7
1870– 2219**

pat/gbr
HOUSE OF REPRESENTATIVES

April 28, 2010

Please proceed.

REP. GIEGLER: (138th)

Thank you, Madam Speaker. I, too, rise to congratulate Amy who has just been awarded the Water Safety Award from the American Red Cross for what she did in saving her cousin, and we want to congratulate here.

She's also a member of the Blue Raiders Swim Team at her New Fairfield Middle School and I ask if you could all give her a round of applause for her accomplishment. Thank you.

(Applause)

DEPUTY SPEAKER ORANGE:

Thank you, and to the young lady, your efforts do not go unseen, and water safety is by far one of the more important, well, they're all important, but important factors to life safety. So well done, a job well done.

(Applause)

Okay. Will the Clerk please call Calendar Number 356.

THE CLERK:

On Page 15, Calendar 356, House Bill Number 5527 AN ACT CONCERNING STATE MARSHALS. Favorable Report by the Committee on Judiciary.

DEPUTY SPEAKER ORANGE:

Representative Jerry Fox. You have the floor, sir.

pat/gbr
HOUSE OF REPRESENTATIVES

April 28, 2010

REP. FOX: (146th)

Thank you, Madam Speaker. I move for the acceptance of the Joint Committee's Favorable Report and passage of the Bill.

DEPUTY SPEAKER ORANGE:

The question is on acceptance and passage of the Bill. Will you remark?

REP. FOX: (146th)

Thank you, Madam Speaker. This Bill makes several changes, and hopefully improvements to what, the way the state marshals conduct their business.

There's several different areas that are addressed. The first one is, it allows when the marshal is serving a limited liability company or an LLC, it allows the marshal to serve the, a member of that company when the agent of service is either not listed or cannot be found.

In addition, the Bill allows the state marshal to make service upon individuals who are in a correctional institution or a community correctional center in the state.

There's also some technical changes where old references are made to a sheriff. It implements the term state marshal.

pat/gbr
HOUSE OF REPRESENTATIVES

April 28, 2010

In addition, there is a change that talks about when witnesses are paid, when witness fees are paid and what it does is, it clarifies that witness fees will be paid upon the time that they show up for their testimony.

Madam Speaker, the Clerk does have an Amendment, LCO Number 4338. I ask that this be called and I be permitted to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO Number 4338.

THE CLERK:

LCO Number 4338, House "A", offered by Representative Lawlor.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the Chamber to summarize the Amendment. Is there objection? Is there objection? Hearing none, Representative Fox, you may proceed.

REP. FOX: (146th)

Thank you, Madam Speaker. What this Amendment does is, it deletes Section 2 of the underlying Bill, which dealt with indifferent persons and their ability to serve.

What this does is, it will allow the law to remain the way it is with respect to those individuals, and Madam Speaker, I would urge adoption of the Amendment.

pat/gbr
HOUSE OF REPRESENTATIVES

April 28, 2010

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption. Will you remark on the Amendment, House Amendment Schedule "A". Will you remark on House "A"? Representative Arthur O'Neill.

REP. O'NEILL: (69th)

Thank you, Madam Speaker, and I also would urge adoption and leaving the law just the way it is at this present time. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on House Amendment Schedule "A"? If not, let me try your minds.

All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed, Nay. The Ayes have it. The Amendment is adopted.

Will you care to remark further on the Bill as amended? Will you care to remark further on the Bill as amended? Representative O'Neill.

REP. O'NEILL: (69th)

pat/gbr
HOUSE OF REPRESENTATIVES

April 28, 2010

Again, thank you, Madam Speaker, I would urge passage along with the Vice-Chair of the Judiciary Committee. This Bill makes relatively minor changes, and actually some of them are technical changes in the laws affecting marshals and the methods by which they would perform their services of process and upon whom they can serve on matters that are really fairly limited in their interest to most people, but are an important element in the process of beginning a lawsuit and executing judgments and that sort of thing, and should expedite and improve the process for the people of the State of Connecticut. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on the Bill as amended? Will you care to remark further on the bill as amended? If not, staff and guests please come to the well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call.

Members to the Chamber.

The House is voting by Roll Call. Members to the Chamber.

DEPUTY SPEAKER ORANGE:

pat/gbr
HOUSE OF REPRESENTATIVES

April 28, 2010

Have all Members voted? Have all Members voted? Have all Members voted? Please check the board to determine if your vote has been properly cast, and if so, the machine will be locked and the Clerk will take a .

And will the Clerk please announce the tally.

THE CLERK:

House Bill 5527 as amended by House "A".

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	141
Those voting Nay	1
Those absent and not voting	9

DEPUTY SPEAKER ORANGE:

Thank you, Mr. Clerk. The Bill passes as amended.

Will the Clerk please call Calendar Number 57.

THE CLERK:

On Page 28, Calendar 57, Substitute for House Bill Number 5248 AN ACT ESTABLISHING A SENTENCING COMMISSION.

Favorable Report of the Committee on Appropriations.

DEPUTY SPEAKER ORANGE:

Representative Michael Lawlor. You have the floor, sir.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. Good afternoon.

S - 610

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2010**

**VOL. 53
PART 13
3842 - 4128**

cd
SENATE

559
May 5, 2010

Calendar page 14, Calendar 511, House Bill 5527,
move to place the item on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Continuing calendar page 14, Calendar 516, House
Bill 5393, move to place the item on the consent
calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 15, Calendar 520 --

THE CHAIR:

Senator Looney, one second please.

SENATOR LOONEY:

Yes, Mr. President.

THE CHAIR:

Please proceed, Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Calendar page 15, Calendar 520, House Bill 5336,
move to place the item on the consent calendar.

cd
SENATE

571
May 5, 2010

Calendar page 10, Calendar 461, House Bill 5207;
Calendar 483, House Bill 5244.

Calendar 484, on page 11, House Bill 5383; Calendar
487, House Bill 5220; Calendar 488, House Bill 5297;
Calendar 490, 5425 -- House; Calendar 496, House Bill
5497; Calendar 509, House Bill 5126.

Calendar page 14, Calendar 511, House Bill 5527;
Calendar 514, House Bill 5426; Calendar 516, House Bill
5393.

Calendar page 15, Calendar 520, House Bill 5336;
Calendar 521, House Bill 5424; Calendar 523, House Bill
5223; Calendar 525, House Bill 5255.

Calendar page 16, Calendar 531, House Bill 5004.

Calendar page 17, Calendar 533, House Bill 5436;
Calendar 540, House Bill 5494; Calendar 543, House Bill
5399.

Calendar page 18, Calendar 544, House Bill 5434;
Calendar 547, House Bill 5196; Calendar 548, House Bill
5533; Calendar 549, House Bill 5387; Calendar 550, House
Bill 5471; Calendar 551, House Bill 5413; Calendar 552,
House Bill 5163; Calendar 553, House Bill 5159.

Calendar page 19, Calendar 554, House Bill 5164.

cd
SENATE

572
May 5, 2010

Calendar page 20, Calendar 556, House Bill 5498;
Calendar 557, House Bill 5270; 559, House Bill 5407; 562,
House Bill 5253; and House Bill -- Calendar 563, House
Bill 5340; Calendar 567, House Bill 5371; and Calendar
573, House Bill 5371.

Mr. President, I believe that completes the items

THE CHAIR:

Mr. Clerk, could you please give me on Calendar 567,
do you have 5516, sir?

THE CLERK:

What -- what calendar?

THE CHAIR:

567 on page 22.

THE CLERK:

It's 5516.

THE CHAIR:

Yes, sir. Okay.

Machine's open.

THE CLERK:

An immediate roll call vote has been ordered in the
Senate on the consent calendar. Will all Senators please
return to the chamber. Immediate roll call has been ordered in the Senate on the
consent calendar. Will all Senators please return to the chamber.

cd
SENATE

573
May 5, 2010

THE CHAIR:

Have all Senators voted? Please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent
Calendar Number 2.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President.

Mr. President -- Mr. President, before moving to adjourn, I would like to ensure the entire chamber will wish Laura Stefon, Senator McDonald's aide, my former intern, a happy birthday.

And with that -- and with that, Mr. President, I would move the Senate stand adjourn

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 12
3696 – 4026**

2010

And I know with Chairman Lawlor we don't want to take too much time but, you know, it's been a long time since I sat in a GA back when the marshals were sheriffs and you know, they had to maintain security. But what's -- what are some of the more daunting challenges that you folks are facing right now?

JOE GAETANO: Right now honestly it's staffing. We are such short staffed I can't even begin to explain. We're running short on courts. Some courts can't be open because there's not enough marshals to open courts. We're doing what we need to do get the job done and service the State. But we desperately need more marshals.

SENATOR KISSEL: Thank you very much, sir and thank you for your service to the people of greater Connecticut.

JOE GAETANO: Thank you.

REP. LAWLOR: Further questions? If not, thanks again.

JOE GAETANO: Have a good afternoon.

REP. LAWLOR: Bob Gyle.

BOB GYLE: Representative Lawlor, Senator Kissel, HB5527 members of the Committee. My name is Bob Gyle. I'm President of the Connecticut State Marshals Organization and also an elected member of the State Marshals Advisory Board. With me today is State Marshal David Hubbs from Southington who is also an elected member of the State

Marshal Advisory Board. We're here to testify on behalf of our bill, Senate Bill 155.

And I think it's House Bill 5527. I think that's the way it came out. And this is another bill that was represented last year, basically technical in nature. No fiscal impact. Basically cleans up some of the language and allows us to standardize some of the procedures we use in serving process.

In particular there are two issues here that we feel are -- that need clarification. One is how you serve an LLC. Currently the statute requires us to serve an agent for service rather than giving a summons or a writ to a member of the LLC, a manager. And this would provide an appropriate way of serving an LLC by either giving it to the manager or just leaving it at the usual place of abode as we do with an agent.

Additionally there's another provision here that is new and we're asking that the State Marshals be permitted to provide subpoenas to witnesses and have the party who is summoning them pay for the witness fees when they appear. There are a lot of instances when we advance money to witnesses for appearances they don't show up. The witness fee is already paid.

The State and their agencies have already seen the light of this so that when the State subpoenas somebody they don't pay the witnesses until they actually appear. So we'd like to standardize that throughout the witnesses for

subpoenas. And one of the last things is to add the other commissioners we have these Secretary of State and the Department of Motor Vehicles now who are allowed to serve. Any marshal can serve them.

And we'd like to add the Insurance Commissioner and the Attorney General to that list also so that we can start our service there and then continue on from -- from that point. Basically it's using the same provisions as last year. There's nothing new and we'd be happy to answer questions.

REP. LAWLOR: Thanks, Marshal Gyle and as was the bill before this we're familiar with the issues from last year, last go around and hopefully you can get through the process this year. Are there any questions from other members of the Committee? Senator McLachlan?

SENATOR McLACHLAN: Thank you, Mr. Chairman.

Thank you, Marshal Gyle. Just for thanks to you and your service to the 24 Senate District but to the State and your advocacy on behalf of the marshals. Thank you for your service.

BOB GYLE: Thank you, Senator.

REP. LAWLOR: Further questions? If not, thanks to both of you. Did you want to say something David?

DAVID HUBBS: -- in the spirit of your directive I was scheduled to speak last --

REP. LAWLOR: Well it was a suggestion. I'm not forcing it on you. I was trying to be nice, you know.

DAVID HUBBS: Well we took it to heart.

REP. LAWLOR: Okay. Good. That means I can get extra points for that one then. Next is John Anderson. And Mr. Anderson will be followed by Brooks Campion and then Peter Costas together with Carl Porto.

JOHN ANDERSON: Good afternoon, Representative Lawlor, members of the Judiciary Committee. My name's John Anderson. I'm here behalf of CATIC, and also the Connecticut Title Association speaking on behalf of Senate Bill 491. This is AN ACT CONCERNING LIENS ON REAL PROPERTY RELATED TO TAXES, ASSESSMENTS AND CHARGES. The background on this bill is that any time someone is involved in the purchase, financing or any type of transfer involving a piece of their property one of the things that either the attorney or the title searcher has to do is check the payment status of any outstanding taxes or other charges affecting the real property.

General practice right now involves either the attorney for the purchaser or the title searcher or other interested party going to the -- let's say the tax office or if the property is served by the MDC, checking with the MDC what if anything is due. Often the responses are verbal. Sometimes the responses are in

**CONNECTICUT
STATE MARSHAL'S ORGANIZATION, INC. and
STATE MARSHALS ADVIORY BOARD
TESTIMONEY IN SUPPORT OF SB 155**

March 26, 2010

My name is Bob Gyle and I am a State Marshal and the president of the Connecticut State Marshal's Organization, Inc. Membership in our organization is open to all men and women currently serving as state marshals and constables in their towns and cities. I am also an elected member of the State Marshal Advisory Board. I am here today to testify in favor of HB 5527. My organization and the Advisory Board support the bill as drafted and feels it will be in the best interests of the state if it passes.

This proposal will accomplish several goals to make the service of process in our state more effective and economical for all litigants and their attorneys and in addition standardizes the methods of service throughout state agencies. I would like to comment on the specifics included this bill. There are several separate actions that are addressed.

First, is to provide a procedure for making service on a Limited Liability Company allowing the marshal to make service upon a managing member of an LLC. There are many occasions when an agent can not be found but the member can be located at their usual place of abode.

Second, is to eliminate the use of indifferent persons to perform service unless there is chance that the loss of recovery of a debt is immediate. This change means that the service would be made by an officer who is properly insured so that recovery from an improper service is available.

Third, is to add the Insurance Commissioner and Attorney General to the same section that provides for service on the Secretary of State and Motor Vehicle Commissioner for service by any proper officer

Fourth, allows a state marshal to make service upon persons confined to any correctional institution or community correctional center in the state.

Fifth, is a technical change to replace the term sheriff's deputy with state marshal.

Sixth, is another technical change adding constable or other proper officers to the wording.

Seventh, this is a new provision that standardizes how witness fees are paid. It simply provides that witness fees are paid by the requesting authority at the time of appearance and not in advance. Currently all witnesses summoned by the state and its agencies are paid in this manner.

There is no fiscal impact on the state from this bill and in fact it could provide savings from the additional time and mileage that is currently required without the proposed changes.

I appreciate the opportunity to provide these insights and would be happy to answer any questions and may be contacted personally at 203-746-6562.